

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
v. : CR-08-076 (NGG)
:
ABID GHANI, JOHN D'AMICO, : February 7, 2008
:
NICHOLAS CALVO, LEONARD : Brooklyn, New York
DiMARIA, :
Defendants. :
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TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE KIYO A. MATSUMOTO
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: ROSLYNN R. MAUSKOPF, ESQ.
UNITED STATES ATTORNEY
BY: ROGER BURLINGAME, ESQ.
JOEY LIPTON, ESQ.
AMY COHEN, ESQ.
ASSISTANT U.S. ATTORNEYS
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Brooklyn, New York 11201

For the Defendant:
Ghani MICHAEL HUGHES, ESQ.
Calvo ELAINE DANIEL, ESQ.
D'Amico ROBERT GLOSNER, ESQ.
DiMaria JOEL WINOGRAD, ESQ.

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Proceedings recorded by electronic sound recording,
transcript produced by transcription service

1 THE CLERK: Criminal cause for arraignment, 08-CR-
2 76, United States versus Abid Ghani, John D'Amico, Nicholas
3 Calvo and Leonard DiMaria. Counsel, state your names for
4 the record.

5 MR. LIPTON: Joey Lipton, Amy Cohen and Roger
6 Burlingame for the United States.

7 THE COURT: Good afternoon.

8 MS. DANIEL: Emily Daniel for the defendant
9 Nicholas Calvo. Good afternoon, your Honor.

10 THE COURT: Good afternoon.

11 MR. HUGHES: Michael Hughes for Abid Ghani. Good
12 afternoon.

13 THE COURT: Good afternoon.

14 MR. GLOSNER: Robert Glosner (ph) for defendant
15 D'Amico, your Honor.

16 THE COURT: Good afternoon.

17 MR. WINOGRAD: Joel Winograd for the defendant
18 DiMaria.

19 THE COURT: Alright, good afternoon. Mr. Calvo,
20 Ghani, D'Amico and DiMaria, do you all speak and understand
21 English without difficulty?

22 ALL DEFENDANTS: Yes.

23 THE COURT: If there is anything that is said here
24 that you don't understand, please let me know and I'll make
25 sure that you get clarification.

1 The purpose of this proceeding is to make sure you
2 understand the crimes that you are charged with and to make
3 sure you understand your right to counsel. If you wish to
4 confer with your attorneys at any time, let me know and I'll
5 give you that opportunity. We'll also address the question
6 of detention or bail.

7 As you know, the grand jury has returned an
8 indictment charging you with felony violations of federal
9 law. I'd like to ask you all, Mr. Calvo, Mr. Ghani, Mr.
10 D'Amico, Mr. DiMaria, whether you've had an opportunity to
11 review the indictment with your attorneys and whether you
12 understand the charges.

13 Mr. Calvo?

14 DEFENDANT CALVO: Yes, I do.

15 THE COURT: Mr. Ghani?

16 DEFENDANT GHANI: Yes.

17 THE COURT: Mr. D'Amico?

18 DEFENDANT D'AMICO: (No verbal response)

19 THE COURT: Mr. -- could you just say yes if it's
20 yes, sir? We're recording. Do you understand, sir?

21 DEFENDANT D'AMICO: Oh, yes.

22 THE COURT: And, Mr. DiMaria?

23 DEFENDANT DiMARIA: Yes.

24 THE COURT: You all have the right to have the
25 indictment read. However, you may waive reading.

1 Mr. Calvo, Mr. Ghani, Mr. D'Amico and Mr. DiMaria,
2 does anybody want the indictment read or do you all waive?

3 ALL DEFENDANTS: Waive reading.

4 THE COURT: Mr. Calvo, do you wish to plead guilty
5 or not guilty?

6 DEFENDANT CALVO: Not guilty.

7 THE COURT: Mr. Ghani?

8 DEFENDANT GHANI: Not guilty.

9 THE COURT: Mr. D'Amico?

10 DEFENDANT D'AMICO: Not guilty.

11 THE COURT: Mr. DiMaria?

12 DEFENDANT DiMARIA: Not guilty.

13 THE COURT: The Court will enter not guilty pleas
14 for all of you. In addition, I understand that there -- we
15 have temporary orders of detention, and all of you have
16 hearings to come, have a hearing regarding your bail or
17 detention.

18 Mr. Calvo, your hearing is February 11th, at 11:00
19 a.m.

20 Mr. Ghani, February 14th, at 2:00 p.m.

21 Mr. D'Amico, February 8th, at 2:00 p.m.

22 Mr. DiMaria, February 11th, at 11:00 a.m.

23 Let me just find out whether any of you has a
24 medical condition or needs medication, so that we can make
25 the government aware of that.

1 Mr. Calvo?

2 DEFENDANT CALVO: Yes, I do.

3 THE COURT: We will give you a document which
4 we're going to fax over to MDC. If you have any medications
5 that you need, please write them down, and also list the
6 condition that you have.

7 What about you, Mr. Ghani? Sir, do you have any
8 medications or medical conditions?

9 DEFENDANT GHANI: No.

10 THE COURT: Alright, thank you. Mr. D'Amico?

11 MR. GLOSNER: Yes, your Honor, he does need
12 medication.

13 THE COURT: Alright.

14 MR. GLOSNER: I'll fill it out.

15 THE COURT: Thank you, sir. Mr. DiMaria?

16 MR. WINOGRAD: Your Honor, he does need
17 medication. As a matter of fact, I'd like to report to the
18 Court that Mr. DiMaria was taken to the hospital after his
19 arrest, by the agents of the FBI. He was treated at the
20 hospital. He has medication with him, so we're going to
21 fill out this form with the specifics.

22 THE COURT: Yes. Carry it with you and bring it
23 with you and hopefully, the marshals can arrange --

24 MR. WINOGRAD: Okay.

25 THE COURT: Does Mr. DiMaria need his medications

1 tonight, counsel? Does he need his medications tonight?

2 MR. WINOGRAD: Yes.

3 THE COURT: Alright, the marshals will take him to
4 a different facility, alright?

5 (Pause in Proceedings)

6 THE CLERK: Anything else?

7 MR. LIPTON: Judge Garaufis set a status
8 conference for February 27th for those defendants who are in
9 the first half of the indictment, A through G, and a status
10 conference on February 28th for the second half of the
11 indictment, from H to Z.

12 THE COURT: Counsel, excuse me, are you all aware
13 of the next status conference, which Mr. Lipton has just
14 stated?

15 MR. WINOGRAD: Yes, 2/27 at 11:00 a.m.

16 THE COURT: Great, okay. Is there anything else?

17 MR. LIPTON: We move to exclude the time between
18 now and then.

19 THE COURT: Do all of you know that you have a
20 right to a speedy trial? You may be brought to trial within
21 70 days after you are arraigned on the indictment. The
22 government has asked to exclude time between today, February
23 7th, through your next date before Judge Garaufis, which is
24 either going to be on the 27th or 28th.

25 Are there any defendants here who object to that

1 exclusion of time? Mr. Calvo?

2 MS. DANIEL: No, your Honor.

3 THE COURT: Mr. Ghani?

4 MR. HUGHES: No.

5 THE COURT: Mr. D'Amico?

6 MR. GLOSNER: No, your Honor.

7 THE COURT: Mr. DiMaria?

8 MR. WINOGRAD: No, your Honor.

9 THE COURT: Alright, thank you. The Court finds
10 that the ends of justice will be served by excluding time.
11 Anything else?

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I certify that the foregoing is a correct transcript
from the electronic sound recording of the proceedings in
the above-entitled matter.



ELIZABETH BARRON

February 19, 2008